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C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 005846

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TAGS: [PGOV](#) [PREL](#) [SNAR](#) [PTER](#) [SMIL](#) [MX](#)
SUBJECT: FOREIGN SECRETARY ESPINOSA COURTS CONGRESSIONAL
SUPPORT FOR MERIDA INITIATIVE

REF: MEXICO 5640

Classified By: DCM Leslie A. Bassett. Reason: 1.4 (b),(d).

11. (U) Summary: Responding to Congressional calls for the Executive to clarify the Merida Initiative, Foreign Secretary Patricia Espinosa testified before the Senate on October 22 and before the Chamber of Deputies on October 31. She was clear the Merida Initiative is not a formal accord requiring Congressional approval and that Mexican sovereignty would not be challenged. She identified with Congressional concerns by noting the GOM could reject the cooperation package if the U.S. Congress established what Mexico considered onerous conditions. Legislative reaction has generally been positive, with the PRD typically voicing the most resistance. Although there have been few specific complaints about the substance of the security package, Mexican legislators have publicly complained about not being properly consulted by the Executive. End summary.

Reaching Out to the Senate

12. (SBU) In her remarks to the Senate, Espinosa explained the Merida Initiative will involve training, equipment, and technology transfers, and not financial aid. She stressed there would be no U.S. military or contractor presence in Mexico, or any other breach of Mexican sovereignty. (Note: When Espinosa referred to "contractors," we assume this was shorthand for security contractors like Blackwater, which are not contemplated as part of the package. In fact, NAS Mexico already employs five Personal Services Contractors to assist with program administration in areas like training, infrastructure, and aviation, and this number would increase significantly if the Merida Initiative receives full funding. End note.) Asked for a text of the agreement, the Secretary said it involved a bilateral political commitment and there was no written agreement or treaty, emphasizing that the U.S. had committed to taking responsibility for its share of the drug trafficking problem. Espinosa added that "no type of conditions have been set" but acknowledged that Mexico would need to "assure that the resources provided under this arrangement are truly used for the purposes for which there were intended, assure that the equipment is well secured, and that there will be no negligence in the use of the equipment."

13. (SBU) The discussion of counter-terrorist activities as a

component of the Merida Initiative, including Espinosa's acknowledgment that the package envisions a program to digitize information on migration and apply detection and control measures on the southern border, drew criticism from some legislators. PRD Senator Ricardo Monreal stated that the Merida Initiative responds more to U.S. security needs and to its fight against terrorism than to Mexico's law enforcement requirements, warning that Mexico risks becoming a "security contractor" for the U.S. He added that the program could lead to a "denationalization of our national security system, and secondly to a criminalization of migration by deploying all of that technology and resources to stem the flow of migration, rather than against the illegal drug and weapons trade." PRD Senate Coordinator Carlos Navarrete agreed that Mexico needs to be careful about counter-terrorism cooperation and avoid "buying into other people's quarrels." Senate President Santiago Creel (PAN) struck a different tone, saying that while Mexico does not suffer the same threat of terrorism as the U.S., it still must not allow anyone to violate law and order.

Congressional Criticism of Process, Not Substance

¶4. (SBU) Mexican legislators and opinion leaders who support the cooperation agreement have nevertheless broadly criticized the Calderon administration for lack of transparency. PRI Senator Manuel Bartlett Diaz told the press the Merida Initiative has been surrounded by "total confusion" since its inception, saying that Secretary Espinosa's Senate testimony added to "absolute uncertainty." He said her interpretation that the plan does not require

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Senate approval is inaccurate, adding that if the GOM presses forward without seeking Congressional approval then legislators should present a constitutional challenge in court. In his meeting with Carl Meacham, the Senior Advisor on Western Hemisphere Affairs to the Senate Foreign Relations Committee, PRD Senator Tomas Torres stressed that Calderon was well advised on both political grounds to seek Congressional approval for any agreement with the U.S. In view of the challenges Mexico faces in combating narco-trafficking, he believed legislators would be hard pressed to reject assistance from the U.S. However, if Calderon insisted on moving ahead without Congressional consent, he would give opposition politicians the "favor" of an easy target for criticism. While PAN Senator Luis Alberto Coppola strongly endorsed the Merida Initiative, he similarly believed the administration should seek Congressional approval.

¶5. (SBU) Comments by Mexican Ambassador to the U.S. Arturo Sarukhan that Mexico would commit to \$7 billion over three years for equipment, rehabilitation, and drug prevention stirred controversy here and were interpreted as getting out ahead of the Congress. The Presidency issued a clarification saying the amount represents ongoing Mexican security spending and there would be no separate budget line item for the Merida Initiative. Secretary Espinosa underscored the point that Mexico would not spend any additional funds on the program.

Outreach to the Chamber of Deputies

¶6. (SBU) Testifying before the Chamber of Deputies on October 31 alongside officials from the Attorney General's Office (PGR) and the Secretariats of National Defense (Sedena) and Navy (Marina), Espinosa appealed for the Deputies' support. "Let us give ourselves the opportunity to face this struggle under better circumstances. We cannot allow this threat to continue growing or presume that we can wage this battle alone," she remarked, adding that SRE is prepared to conduct

an ongoing dialogue with Mexican lawmakers regarding the Merida Initiative. She explained the agreement is based on international treaties ratified by the Senate and is consistent with the Comprehensive Strategy for Preventing and Combating Crime as well as the National Development Plan. She also referenced the Initiative's consistency with the 1990 U.S.-Mexico Accord Against Narcotics Trafficking and Drug Dependency, and the multilateral Palermo Convention Against Organized Crime.

17. (SBU) The Foreign Secretary accommodated Congressional concerns by suggesting Mexico could decide to reject the cooperation package if the U.S. Congress established certain conditions to approve funds. Specifically, she told the Deputies, "we will conduct an extremely careful analysis of whatever results from this (U.S.) legislative process, in order to evaluate whether the result is compatible with our national interest, whether it fulfills Mexico's needs. There is no obligation on the Mexican Government's part to accept this support, it is a political cooperation commitment that we have undertaken, in the understanding that if we act together we will be more effective on both sides of the border, but we will not rush into anything." The Secretary stressed that under no circumstances would the cooperation agreement become a pretext to take action against migrants that use Mexico to enter the U.S. illegally.

18. (SBU) Some Deputies belonging to the PRI, PRD, and Convergence Party expressed mistrust of the proposal and U.S. intentions. PRI Deputies Jose Murat and Samuel Solis, backed by PRD Deputy Cuauhtemoc Sandoval, demanded to see the plan's core documents, which Espinosa responded do not exist. She added, "should it become necessary to sign some document that requires Congressional approval under our legislation, we will come before this sovereign body for the necessary consultations and, if appropriate, submit it for your consideration." PRI Chamber of Deputies Coordinator Emilio Gamboa said the GOM has an obligation to keep the legislative branch informed of the agreement's details, and Chamber President Ruth Zavaleta (PRD) remarked, "We would expect the document to be made public, not only for our benefit, but for

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all of society."

19. (C) In private, Mexican legislators from each of the main three political parties have agreed that the security situation in Mexico is grave, that both countries bear responsibility for confronting narcotics trafficking and related criminality, and that the Merida Initiative represents a logical step in the effort to strengthen the relationship. Members of Congress have told us privately that "conditionalities" imposed on Mexico by the U.S. would be carefully reviewed, and that Congress would likely react negatively to perceptions of onerous end-user requirements. Senate Foreign Relations Chairwoman Rosario Green (PRI) suggested that it would be necessary to create a watchdog group, including government representatives and senators, in order to supervise assistance received. The PRD has been the most vocal in its concerns, calling on the USG to balance the security component of the package with development assistance.

Comment

110. (C) Despite their frustration with the perceived lack of transparency by the Executive, Mexican legislators recognize the security threat before their country and seem broadly in favor of enhanced security cooperation with the U.S. In her testimonies before Senators and Deputies, Foreign Secretary Espinosa sought to reassure them the Merida Initiative is not an aid plan and will not challenge Mexican sovereignty. She also signaled a willingness to work more closely with Mexican legislators, adding that the GOM will closely study any "conditionalities" placed on assistance by the U.S. Congress.

While Mexican legislators recognize that Congressional approval of the Merida Initiative is not likely needed and that full details will remain limited until the U.S. funds the package, they can be expected to posture along party lines and pressure the GOM for further disclosure of the contents of bilateral security negotiations.

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